## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

S.J.W., A Minor	)	
By and Through His Parents,	)	
Brian Wilson and Linda Wilson,	)	
	)	
S.W.W., A Minor,	)	Case No. 4: 4:12-CV-285
By and Through His Parents,	)	
Brian Wilson and Linda Wilson,	)	
	)	
Plaintiffs,	)	
VS.	)	
	)	
LEE'S SUMMIT R-7 SCHOOL	)	
DISTRICT, et al.	)	
	)	
Defendants.	)	

## DEFENDANTS' MOTION TO AMEND SCHEDULING ORDER AND DISCOVERY PLAN

COMES NOW Defendants Lee's Summit R-7 School District, David McGehee, Jack Wiley, Chris Storms, Terri Harmon, Pattie Buie and Ron Baker ("Defendants"), by and through their undersigned counsel, and request the following amendments be made to the current scheduling order and discovery plan:

- 1. This Court entered a Scheduling Order on October 15, 2012, nearly four (4) months after the parties submitted their proposed scheduling orders.
- 2. Several significant events have transpired which necessitate the need for additional discovery, most significantly the cancellation of all four Wilson depositions (Sean Wilson, Steven Wilson, Linda Wilson and Brian Wilson).
- 3. The Court's Scheduling Order set the close of discovery on December 17, 2012, subsequent dates were also set, presumably based on the December 17th discovery closure date.
- 4. The parties previously agreed on deposition dates for the following individuals: Lisa Jacques, David McGehee, Sean Wilson, Steven Wilson, Linda Wilson, and Brian Wilson.

- 5. On October 3, 2012, Plaintiffs' counsel cancelled the deposition of Lisa Jacques. Shortly thereafter, Plaintiffs' counsel who appeared to be taking the lead on discovery, Ms. Christina Pyle, withdrew her representation due to re-location to another law firm.
- 6. Around that same time, Mr. Kevin Weakley (also Plaintiffs' counsel), contacted Defendants' counsel and requested the cancellation of all pending depositions, including the depositions of Sean Wilson, Steven Wilson, Brian Wilson and Linda Wilson. As a professional courtesy, Defendants' counsel did not object, particularly given Ms. Pyle's departure.
- 7. Defendants' counsel has requested additional deposition dates from Plaintiffs' counsel on two separate occasions, and no dates have been provided.
- 8. Given that the Defendants have not yet been able to depose either Sean or Steven Wilson, or their parents; additional time for discovery is being requested. The Defendants are requesting that all subsequent dates be reset as well.
- 9. As no dates have been provided by Plaintiffs' counsel at this time for the rescheduling of all four Wilsons' depositions, Defendants request the following amendments to the scheduling order:

Close of Discovery May 30, 2013

Discovery Motions June 7, 2013

Dispositive Motions July 8, 2013

10. This Motion is not being made for delay or vexation but to ensure just adjudication of this matter.

WHEREFORE, Defendants respectfully request that the Court amend the current scheduling order in this matter to reflect the dates requested above.

Respectfully Submitted,

ENSZ & JESTER, P.C.

/s/ Jessica M. Bernard

Robert O. Jester Mo 23465 Matthew J. Gist Mo 54732 Jessica M. Bernard Mo 58980

2121 City Center Square

1100 Main Street

Kansas City, MO 64105
Telephone: 816-474-8010
Facsimile: 816-471-7910
e-mail: rjester@enszjester.com

mgist@enszjester.com jbernard@enszjester.com

Attorneys for Defendants

## **CERTIFICATE OF SERVICE**

The foregoing was sent *via* U.S. Postal Service, postage prepaid, and by the CM/ECF system, of which all parties are registered users, this 5<sup>th</sup> day of December, 2012 to:

Kevin D. Weakley Aaron E. Schwartz Wallace, Saunders, Austin, Brown & Enoch, Chtd. 2300 Main Street, Ste. 900 Kansas City, Missouri 64106 Attorney for Plaintiffs

/s/ Jessica M. Bernard
Attorney for Defendants